

Appl. No. 09/302,863
Amend. & Reply dated Nov. 2, 2004
Resp. to OA dated May 3, 2004

3. Remarks

This Amendment and Reply is filed in response to the Office Action having a mailing date of May 3, 2004. Claims 15-39 are currently pending. Claims 29, 30, and 32 are allowed. Claims 15-28, 31, and 33-39 stand rejected under 35 U.S.C. §112, first paragraph and second paragraph. Claim 15 has been amended and claims 31, 33, 34, and 36 have been cancelled. Claim 40 has been added.

The Examiner states that claim 15 lacks enablement because "[a]lthough the claims require that 15(i)(c)-(d) bind SEQ ID NO: 4 and that 15(ii)(d)-(e) bind SEQ ID NO: 2, the claims do not require that any of 15(i)(c)-(d) bind 15(ii)(d)-(e)." In other words, "....the claims do not require that the first genus bind anything in the second genus except SEQ ID NO: 4 and the claims do not require that the second genus bind anything in the first genus except SEQ ID NO: 2."

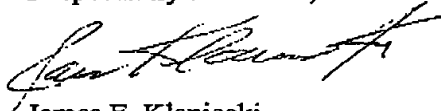
In response, claim 15 has been amended such that the genus of 15(i) is only required to bind SEQ ID NO: 4 (15(ii)(a)), the extracellular domain of SEQ ID NO: 4 (15(ii)(c)), and a truncated form of the extracellular domain of SEQ ID NO: 4 that binds SEQ ID NO: 2 (15(ii)(b)). Newly-added claim 40 is the counterpart to claim 15.

The Examiner asserts that the specification does not reasonably provide enablement for a polypeptide encoded by a nucleic acid molecule 90% identical to SEQ ID NO:1 or 3. Applicants have amended the claims to recite 95% variants and incorporate the previous arguments of record as support. Support for 95% variants may be found at page 6, line 8.

Applicants believe the amendments fully address the Examiner's concerns and kindly request reconsideration and allowance of the pending claims. If any issues remain, the Examiner is cordially invited to call Applicants' representative to discuss resolution thereof.

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below.

Signed: 
Nanci M. Kertson

Date: 
November 2, 2004